

FIRST REGULAR SESSION

# HOUSE BILL NO. 503

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SMITH (14) (Sponsor), NOLTE, WILSON (119), NIEVES, BIERMANN, ATKINS, FUNDERBURK, PARKINSON, DAY AND GATSCHENBERGER (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 105.270, RSMo, and to enact in lieu thereof one new section relating to military leave for public employees, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 105.270, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.270, to read as follows:

105.270. 1. All officers and employees of this state, or of any department or agency thereof, or of any county, municipality, school district, or other political subdivision, and all other public employees of this state who are or may become members of the national guard or of any reserve component of the armed forces of the United States, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits, to which otherwise entitled, for all periods of military services during which they are engaged in the performance of duty or training in the service of this state at the call of the governor and as ordered by the adjutant general without regard to length of time, and for all periods of military services during which they are engaged in the performance of duty in the service of the United States under competent orders for a period not to exceed a total of one hundred twenty hours in any federal fiscal year.

2. Before any payment of salary is made covering the period of the leave the officer or the employee shall file with the appointing authority or supervising agency an official order from the appropriate military authority as evidence of such duty for which military leave pay is granted which order shall contain the certification of the officer or employee's commanding officer of performance of duty in accordance with the terms of such order.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           3. No member of the organized militia shall be discharged from employment by any of  
18 the aforementioned agencies because of being a member of the organized militia, nor shall he  
19 **or she** be hindered or prevented from performing any militia service he **or she** may be called  
20 upon to perform by proper authority nor otherwise be discriminated against or dissuaded from  
21 enlisting or continuing his **or her** service in the militia by threat or injury to him **or her** in  
22 respect to his employment. Any officer or agent of the aforementioned agencies violating any  
23 of the provisions of this section is guilty of a misdemeanor.

24           4. Notwithstanding the provisions of any other administrative rule or law to the contrary,  
25 any person entitled to military leave pursuant to the provisions of subsection 1 of this section  
26 shall only be charged military leave for any hours which that person would otherwise have been  
27 required to work had it not been for such military leave. The minimum charge for military leave  
28 shall be one hour and additional charges for military leave shall be in multiples of the minimum  
29 charge.

30           **5. For performance of military duty directed by a Presidential Call-up for Active**  
31 **Duty under Title 10 of the United States Code, other than active duty for training, or in**  
32 **support of military operations designated as contingency operations, or emergency**  
33 **domestic operations in Title 10 status, officers and employees of this state entitled to**  
34 **military leave under subsection 1 of this section as members of the national guard or**  
35 **reserve components shall receive pay differential compensation equal to the difference**  
36 **between the salary they would have been paid in their monthly state salary and their total**  
37 **military compensation received. For purposes of this subsection, "total military**  
38 **compensation" means the military base pay plus the Basic Housing Allowance. Such pay**  
39 **differential compensation shall be paid for all qualifying military leave in excess of one**  
40 **hundred twenty hours of compensated leave under subsection 1 of this section.**

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